

FEDERAL DEFENDER SERVICES
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February 16, 2012

Hon. Judge J. P. Stadtmueller
United States District Court Judge
517 East Wisconsin Avenue, Room #471
Milwaukee, WI 53202-4510

RE: *United States v. David Phillip Foley*
Case No. 11-CR-264

Dear Judge Stadtmueller:

Mr. Foley's case is currently set for trial on March 12, 2012, with a final pretrial conference set for March 7, 2012, at 8:30 a.m. Mr. Foley is currently serving a state sentence with a release date in September of this year. He is currently housed at Fox Lake Correctional Institution in Fox Lake, Wisconsin. Due to his incarceration within a Department of Corrections facility over 100 miles away, communication with Mr. Foley has been difficult, but manageable by both personal visits and phone calls. Over time however, it has become increasingly clear to counsel that Mr. Foley may be suffering from mental health issues that are affecting his ability to participate in his own defense. In that regard, counsel retained a psychologist to complete a psychological evaluation of Mr. Foley. Although the psychologist has informed counsel that the evaluation will likely be completed by the beginning of March, an exact date could not be provided based on a number of factors including scheduling with the institution and review of documents. More significantly, the status of the case and how it proceeds may be affected by the outcome of the psychological evaluation. For that reason, counsel is requesting this case be taken off the trial

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calendar at this time. If the court agrees, counsel will file by letter, a status of the case by March 19, 2012. Should there be no issues regarding Mr. Foley's competency, counsel will consult with government counsel and include a mutually agreeable trial date for the case at that time. Counsel has spoken with Assistant United States Attorney Penelope Coblentz regarding this issue, and she has no objection to the case being taken off the trial calendar and proceeding in this manner.

As always, if you have any questions, please feel free to contact me.

Sincerely,

/s/ Krista Halla-Valdes
Krista Halla-Valdes
Associate Federal Defender

KHV/cb
cc: David Foley
Joanna Perini, Esq.
AUSA Penelope Coblentz

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